

## AWARDED \$3,516 IN \$24,000 SUIT

Bedford Gets Only Fraction of  
Large Sum Claimed From  
J. Henry Miller, Inc.

### COURT TAKES ISSUE WITH LAW

Judge Waddill Files Personal  
Opinion Questioning Justice  
of Recent Decisions.

Under instructions from Judge Waddill, holding that the law as it has been interpreted in similar cases, barred the right of the plaintiff to recover the sum of \$24,000, the jury in the United States District Court yesterday awarded A. C. Bedford, of this city, \$3,516.30 as full settlement of his \$24,000 suit against J. Henry Miller, Inc., of Baltimore.

The trial of the case occupied the attention of the court since last Friday, attorneys for both sides waging a stubborn fight. Two days were consumed in argument over instructions to the jury. Judge Waddill, Lewis and Hill Carter, of Richmond, and W. Hall Harris, of Baltimore, appeared for the defendant, and Emmett Seaton and Charles A. Meredith argued the case for Bedford.

The action was brought by Bedford to compel J. Henry Miller, Inc., to pay over \$24,000 which the latter withheld from the ground that the plaintiff had failed to comply with the terms of a contract which bound him to deliver certain quantities of granite within a stipulated twelve-month period or forfeit \$50 a day for delay. Miller was general contractor in charge of the construction of the Richmond post-office, and Bedford subcontracted to supply the granite needed for the building.

**Claimed Contract Not Binding.**  
The fight centered about the instructions to the jury. An instruction for the plaintiff was asked by Bedford's lawyers on the ground that the defendant had not set forth specifically the actual damage it had suffered by the delay in the delivery of the granite, and that in the absence of proof of any damage at all, that clause of the contract which provided for the sum of \$50 a day for delay should be declared void and an award made commensurate with the actual damage suffered.

The defense asked for an opposite instruction relying chiefly on the explicit language of the contract.  
"The burden is on the plaintiff to make out his claim to recover on his original contract, and for extras," Judge Waddill instructed the jury yesterday morning, "and upon the defendant to establish the extent of the delay, on account of which latter time the defendant is entitled to recover the sum of \$50 a day, being for 352 calendar days at the rate of \$50 a day."

**Takes Issue With Law.**  
While holding that according to the strict construction of the law the defendant company is entitled to claim the setoff covering the time of delay, and that the plaintiff cannot recover, Judge Waddill filed a personal statement taking the position that a settlement on the basis of ascertained damages would have been fairer. On this point Judge Waddill said:  
"It may not be amiss perhaps for the court to say that personally it considers it would be fairer and more reasonable in this class of cases, to trim the sum of compensation for delays, as the maximum amount for which recovery could be had on that account, and to have a judicial ascertainment of what damages had been sustained, and should be recovered, limited in amount by the sum named in the contract. This, however, does not seem to be the law, particularly as settled by the more recent decisions, including those of appellate courts, which this court should follow."

### DOES NOT OWE BANK

St. Luke's Cashier Explains Item in W. J. Rose's Petition.  
In the petition in voluntary bankruptcy filed by W. J. Rose, the St. Luke's Savings Bank was listed as a creditor in the sum of \$2,200 for the loan of a store at 12 East Broad Street.

Emmett C. Burke, cashier of the St. Luke's Savings Bank, stated that the store referred to, he says, is at 112 East Broad Street, which was sold a year ago by the bank to H. W. Wallerstein. Consequently Mr. Rose owes the bank nothing.



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**SLIDEWELL COLLARS**

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15c; 2 for 25c.

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may reach YOU  
Wonderfully Pure

## NEWS OF SOUTH RICHMOND

### BANK FOR SWANBORO

New Institution Will Open as Soon as Location Can Be Secured.

A charter was granted yesterday by the State Corporation Commission to the South Richmond Bank, Incorporated. The new institution will be located in Swansboro. It will have a paid-up capital of \$50,000, and is authorized to do a general banking business. All of the promoters are well-known in Southside business circles. The officers are Colonel Frank P. McConnell, president; W. T. Walker and H. L. Williams, vice-presidents; J. E. Norvell, secretary and cashier, and J. F. Ryland and Haskins Hobson, directors.

The location of the new bank has not been fully decided upon, but will probably be in the vicinity of the head of Hull Street. The doors will be thrown open for business as soon as the arrangements are completed.

Colonel McConnell, who will be the head of the institution, is president of the Manchester National Bank, and is also connected with several other business organizations in the city. Mr. Norvell, the cashier, is a real estate operator in Swansboro, and is well-known throughout the county. Ryland, as well as others interested in the new concern, is connected with the Manchester National Bank, but the two institutions will be separate and distinct.

**Sunday School Association to Meet.**  
The annual meeting of the Sunday School Association of upper Henrico County will be held Sunday afternoon at 3 o'clock in Ridge Church. Reports on the work of the year and the election of officers for the ensuing year will be held.

**Fined for Speeding.**  
J. W. Briggs was fined \$50 and costs yesterday afternoon by Magistrate H. Sunday for speeding an automobile on Cary Street Road.

**Will Honor Mothers' Day.**  
Joint services will be held May 11 by the four Southside councils of the Junior Order, United American Mechanics, in observance of Mothers' Day. The meeting will be held in West End Methodist Church, Swansboro, with the pastor, Rev. Charles Tinsley Thrift, in charge. A special musical program has been arranged.

The lodges participating in the exercises will be Davis Council, No. 27; Rocky Ridge Council, No. 36; New South Council, No. 8; and Liberty Council, No. 12. The members will assemble at Robben's Hall at 2 P. M., and will march to the church in a body.

### General News Notes.

Judge Robert G. Southall yesterday afternoon at the Circuit Court, granted State liquor licenses to three concerns doing business in the county. All of the saloons are located in Swansboro.

Contracts for supplying fuel for use at Manchester postal station have been awarded by the Post-Office Department to S. H. Cottrell & Sons, according to information received yesterday by Superintendent L. B. Lloyd. The contract calls for thirty tons of coal and one cord of wood.

Ground has been broken for the new Branches Baptist Church, Chesterfield County. A force of 50 workmen have started work on the new building, which will be completed, it is thought, before September 1.

**Announces Daughter's Marriage.**  
An announcement was made yesterday by Mr. and Mrs. P. R. Perkins of the marriage in Washington Tuesday afternoon of their daughter, Miss Mary Marshall Perkins, to Arthur Stanley Wilkinson. Following a wedding tour, the young couple will reside at 14 Davis Avenue.

**In Police Circles.**  
On a warrant, in which C. C. Jenkins is named as complainant, Jess Thrift has been summoned to appear before Magistrate L. W. Cheatham tomorrow morning in Swansboro Court to answer to a charge of stealing a building.

Russell Garber was sent to the roads for ninety days by Justice H. A. Maurice yesterday morning on a charge of vagrancy.

Joe Smith was arrested last night on a charge of nonsupport preferred by his wife.

**Realty Transfers Recorded.**  
Deeds, mortgages and sales were recorded yesterday in Hustings Court, Part II, as follows:

Washington Terrace Corporation to W. H. Tyree, Lot 11, Bellevue Addition, thirty feet, consideration, \$600.

E. P. Smith to Frank S. Richeson, thirty-eight feet on west line of Seventh Street, between McDonough and Perry, Price, \$10 and other valuable considerations.

Hattie M. Lyons to R. P. Smith, twenty feet on the west line of Seventh Street, between McDonough and Perry, for \$10 and other valuable considerations.

**Try Robbery Charge.**  
On an indictment charging highway robbery, John McKisson and John Thompson, negroes, will be arraigned this morning in Hustings Court, Part II. The men are alleged to have held up Dave Nelson, colored, and robbed him of a small amount in cash and a railroad pass. They will be represented by Morris & McCotter.

**Personal Mention.**  
Frank A. Purdy, of Ashtabula, Ohio, is the guest of his brother, J. H. Purdy, of Woodland Heights, en route from Orlando, Fla., where he has been spending the winter.

J. P. O'Brien, Jr., is confined to his home in Woodland Heights by sickness.

Mrs. S. D. Graves and Mrs. J. Fay Du Val, of Atlanta, arrived here yesterday and will be the guests of relatives.

Mrs. R. S. Traphagen left yesterday afternoon for Erie, Pa., where she will spend several months with relatives.

Miss Louise O'Brien left yesterday for Washington, where she will attend the convention of the International Kindergarten Association.

## PRISON CONTRACT EXPIRES AT LAST

State to Receive Double Money  
for Convicts Kept in  
Penitentiary.

### MANY ROAD FORCES SENT OUT

More Than 500 Men Will Be  
Added to Highway Gangs  
at Once.

Virginia's long drawn out lease of prisoners in the State Penitentiary to the Thacker Shoe Company came to a close at 6 o'clock last night. Yesterday morning the male prisoners worked in the shops of that company within the prison walls, and the State received 42 cents per day each for their labor. To-day but 500 of the more hardened criminals will be making shoes, and for that labor the State is to receive 85 cents per day each.

The income from the shoe contract will be about as large to the State as heretofore, though more than 500 men will be added to the State convict road force in various sections. The extension to the Thacker company is for but six months, even at the higher rate, and gives that concern time to close out its business. On November 1 the new contract with the Star Clothing Company for not more than 500 men and all the women in the prison, goes into effect.

**Many Road Gangs Go Out.**  
Yesterday was a busy day at the State Penitentiary, for it means a big prison, and the change means an almost complete revolution in the method of conducting the institution. A convict road force of fifty men was sent out to Botetourt County; thirty men to Appomattox County; forty-five men to Lunenburg County; thirty-five men to Brunswick County to build roads; sixty men will leave to-night for Tazewell County, and to-morrow thirty-five men will go to Stafford County. Within a few days the new method will be in full working, and road gangs will be busy at work in many sections of the State, making a total of 1,500 convicts, including jailbirds, on the highways.

The old convict contract dates back more than twenty years, having been made years ago with the Davis Boot and Shoe Company, now the Thacker Shoe Company, with headquarters and salaried in Boston. It was a stipulation of the contract that none of the shoes made in the State prison was to be sold in this State in competition with free labor. Under the old contract, the Thacker Company has paid the State 42 cents per day for men and 30 cents per day for women. In recent years it had all of the State prisoners, save such as were working at the State Farm in Goochland County or were engaged in keeping the prison.

**The Road System.**  
Several years ago the convict road system was launched, limited only to men having two years or less to serve. The last session of the General Assembly provided that in the renewal of the contract, not more than 500 men were to be leased, it being the intent of the act to keep within the prison walls long term men, hardened criminals, and men with a bad prison record. With the chances of escape from the road gangs, it was held to be against public policy to put such men on the roads. The great bulk of those in the Virginia prison, it is stated, are State prisoners, sent up for some means classed as hardened criminals. Within the next few days more than 500 of these will be sent to the roads. The Thacker Company was recently given an extension of six months conditioned on its employing not more than 500 men and all the women and on its paying for their services the scale fixed in the bid of the Star Clothing Company, the new prison labor contract, which provides for 42 cents for men and 30 cents for women. In the building within the prison walls, men and 50 cents for women. The new building, with a lesser number of prisoners, and with a lesser number of prisoners, it is claimed that conditions within the prison will be vastly improved.

**Keep Dangerous Men in Prison.**  
Superintendent J. B. Wood has been busy for some weeks preparing for the change which took effect at the close of business last night. It is his duty to keep dangerous men in prison.

**Burial of A. R. Tatum.**  
With Masonic rites, A. Roscoe Tatum, who died Monday at his home on West Twelfth Street, was laid to rest yesterday afternoon in Maury Cemetery. The funeral was conducted from the Baptist Church at 5 o'clock. Rev. John W. Kinchelov conducted the services. Delegations from the various churches and societies were present. Burial was in Maury Cemetery.

**The funeral of Mrs. East.**  
The funeral of Mrs. Emma E. East, who died Monday at her home, 2419 Decatur Street, was held yesterday afternoon at 3 o'clock from the home. Rev. Charles Tinsley Thrift officiating. Burial was in Maury Cemetery.

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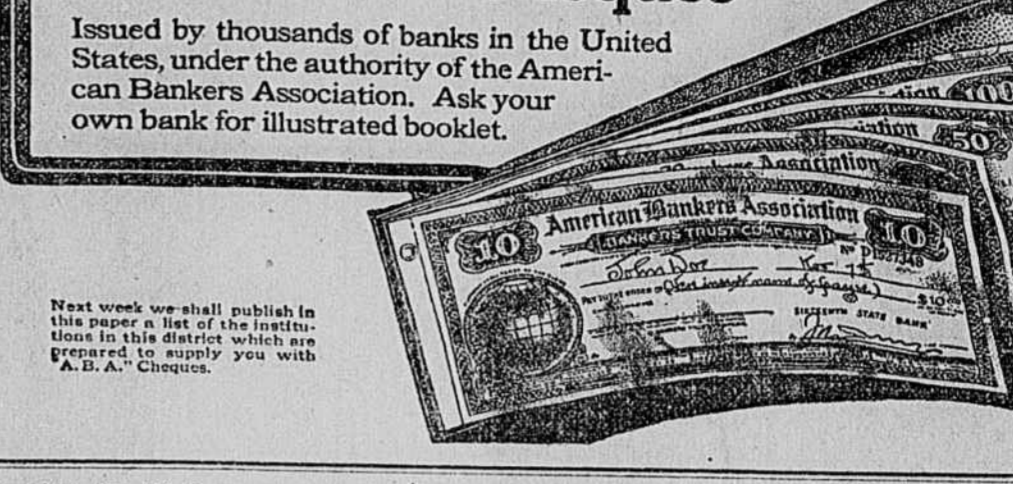
## Funds for travel anywhere

Actual money is unsafe; personal checks cannot be used where you are unknown; frequent changes from one foreign currency to another are annoying and expensive.

"A. B. A." Cheques are safe, because your signature—which identifies you—is required to make them good. They are convenient, because they can be used, without converting them into money, to pay hotel and other travel bills in every civilized country of the globe.

**"A. B. A." Cheques**

Issued by thousands of banks in the United States, under the authority of the American Bankers Association. Ask your own bank for illustrated booklet.



## Odds and Ends From the Wire

**TOSSED BY AN ELEPHANT.**  
Circus Employee Hurled Through Wall of  
Oakland, Cal., April 20.—An elephant reached with his trunk beneath a circus tent, grasped G. J. Gardner, of Jacksonville, Fla., a circus employee, dragged him into the tent and hurled him through the canvas wall.

Gardner's wrist was broken, several ribs were fractured and he received other serious injuries.

**McMANIGAL TO ALTER FACE.**  
Plans Surgery to Avoid Recognition When Given Liberty.

Los Angeles, April 20.—Ortie E. McManigal, confessed dynamiter, plans to have his appearance altered by surgery when he is set free. It is reported his release from the county jail may be granted at any time, and McManigal hopes to so change himself that no one will know him as the man whose testimony sent the McNamara brothers to prison. He said he would like to see the most secret to aid him according to a statement published here to-day.

McManigal fell from a moving wagon while a child and the wheel inflicted an injury. The mark appeared across his forehead, after the destruction of the Los Angeles Times building by dynamite. Doctors have moved, and he plans to have it done as soon as he gains his freedom.

**ALIMONY EVEN WHEN DEAD.**  
Divorced Husband Ordered to Pay It to Ex-Wife's Estate.

Columbus, O., April 20.—Upholding a decision of the lower court, the Ohio State Supreme Court today rendered a decision that a husband who died before the divorce of the court, is to pay alimony, is not exempt from payment even if the wife dies. The decision was reached in the case of William G. Stoneman against Mary E. Stoneman, which was the case of Mary Shoup, her executrix.

In September, 1907, a divorce was granted to Mary E. Stoneman, which also provided for alimony and the restoration of her maiden name. Alimony was fixed at \$7.50 a week, to be paid in installments within three years. The court found that the husband died before the three years had elapsed. Mary E. Stoneman, who is now a widow, died at the age of 30, and her estate is now being administered by her executrix.

**EXTINGUISHER KILLS FIREMAN.**  
Victim of Explosion First Paid Scrantonian to Die on Duty.

Scranton, Pa., April 20.—An exploding fire extinguisher killed John Owens, of Home Company, No. 4, the sequel to a fire at the home of E. Van Hook. A portion of the steel tank broke Owens' chest and so great was the force of the explosion that the fragments of the tank flew through the upper floors and out through the roof of the house, in addition to being injured Owens was seriously burned.

He died within three hours, the first fireman to lose his life in the line of duty. Scranton's paid department was organized ten years ago.

**WHISKY SAVES SELF, NOT MAN.**  
Train Licks Wager Driker, but Leaves Bottle Intact.

Pottsville, Pa., April 20.—On a wager that he could drink a quart of whiskey and walk Summit Station, on the Reading Railway, the fiery liquid. Nothing was heard of the man until a few hours later, when his body was picked up on the Schuylkill and Susquehanna division of the Reading Railway at Hammon, where he had been run over by a train.

Two quarts of whiskey in bottles on his body were undisturbed.

**GIFT DOUGHNUTS LIFE-SAVERS.**  
Boy Who Brings Them Rescues Two from Shamokin, Pa., April 20.—After building a fresh fire in the heater at her home to-day, Mrs. Albert McWilliams retired to her bedroom to put her young son Warren to sleep. She dozed and coal gas from the heater rendered both senseless.

Mrs. John Campion, a neighbor, sent her son Charles to Mrs. McWilliams home with freshly-baked doughnuts. He found the mother and son almost dead from gas, opened all the doors and windows, and called physicians, who, after a hard struggle, resuscitated the victims.

**DESTROYED BY FIRE.**  
Sheriff Drummond, of Amherst, Suffers Loss of Home.

[Special to The Times-Dispatch.]  
Amherst, Va., April 20.—The residence of County Sheriff H. Drummond was burned to the ground about 6 o'clock this morning. It is supposed the fire originated from a candle in the kitchen. When discovered the rear of the building was in flames, which had spread to the main body of the house. A good deal of the furniture was saved, and Mr. Drummond and his family escaped in safety. The total loss will amount to between \$2,000 and \$3,000, with \$1,000 insured on the building and \$200 on the furniture.

**GRAIN DEALER BANKRUPT.**  
W. H. Leonard Files Petition in District Court.

Schedules in voluntary bankruptcy filed yesterday in the United States District Court by William H. Leonard, a retail grain and feed dealer, doing business at 10 North Eleventh Street, in Hustings Court, with one exception, from Richmond, who claims aggregating \$1,225.23. The assets are stated to be \$1,000, of which amount \$302.52 is claimed as exempt.

Unsecured claims in excess of \$100 are: Lee Leonard, loan \$300; E. A. Saunders Sons Co., \$301.25; W. J. Todd & Sons, \$408.22; and E. W. Gates Sons Co., \$221.40.

**SURGEON TO SPEAK.**  
Boston Man to Lecture Here on Training of Crippled Children.

Dr. C. F. Palmer, a Boston orthopedic surgeon, will speak here on the subject of May 9 under the auspices of the General Council of Social Workers in this city. Dr. Palmer is superintendent of the Boston Hospital School for Crippled Children, and will speak here on the subject "The Treatment and Training of Crippled Children." The lecture will be given in the auditorium of the Mechanics' Institute.

Dr. McDaniel at Synagogue.  
Rev. George W. McDaniel, D. D., will occupy the pulpit of Beth Abrahah Congregation on Friday evening. Beth Abrahah began at 8 o'clock. Dr. J. S. Calhoun will conduct the service and Dr. McDaniel will deliver the sermon. The public is welcome to all services at the synagogue. At the Saturday morning service Dr. Calhoun will speak on "Samuel."

**Will Speak to Ad Men.**  
The weekly luncheon of the Richmond Advertisers' Club will be held here to-day at 1:30 o'clock. Dr. Charles E. Ellis, of the board of governors of the Ad Men's Club of Baltimore, will make an address.

**Wolves Examination.**  
Ernest Daniel, colored, accused of stabbing Herbert Banks, waived a preliminary examination in Police Court to-day, and the case was sent to the Hustings Court.

**Operation Performed.**  
Mrs. Saunders McRae Brooks was operated on Tuesday at St. Elizabeth's Hospital, and is improving satisfactorily.

**Cheapeake and Ohio Business.**  
The Chesapeake and Ohio system announces that its operating revenue for March of this year was \$2,891,684.77; its operating expenses, \$2,113,471.12; its net operating revenue, \$777,123.55, and the proportion of expense to revenue, 73.3 per cent. The corresponding figures for March, 1912, were as follows: \$3,075,555.89; \$2,059,589.20; \$1,015,966.69; 67 per cent.

**Money for Flood Sufferers.**  
The Times-Dispatch has received \$5.00 from the flood sufferers from Marian Chalkley.

**Seaboard's Earnings.**  
Approximate gross earnings of the Seaboard Air Line Railway for the third month of 1913 were \$484,544 against \$482,500 same period of 1912. The increase is \$2,044.

## We invite you to Our Opening

A cordial invitation is extended to you to visit RICHMOND'S NEWEST BUSINESS HOUSE. A new business, we admit, but the largest of its kind in the south of New York. Opening from

**May 1st to 9th**

We are MANUFACTURERS AND JOBBERS and our showing embraces all the new in complete assortment of

**KITCHEN EQUIPMENT**

**FOR**

Homes, Hotels, Restaurants, and Butcher Institutions—and Butcher Every Description

A cordial welcome will be given to all, in fact at all times.

**B. W. Smith & Co.**

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Knocks out Toothache, Sore Throat, Croup, Cold in Head, Inflammation, with cleanly nasal tip. Best of all, it doesn't hurt. Don't be fooled by cheap imitations. THE BEST—get THIS! All Druggists, 25c.